

Application No: 24/2164C

Application Type: Full Planning

Location: Wbb Minerals Ltd, Brookside Hall Congleton Road, Arclid, Sandbach, Cheshire East, CW11 4TF

Proposal: Change of use of the site and buildings from the existing offices (Class E) to a Special Educational Needs (SEN) School (Class F1) alongside supporting works namely; new perimeter fencing and gates, two new MUGAs, creation of new external doorways, the replacement of windows and the erection of solar panels.

Applicant: Mr Rupert Litherland, Witherslack Group Limited

Summary

The site is located within the open countryside within which Policy PG6 supports development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. There are some exceptions, the most relevant here being:

ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

In this instance a structural assessment has been provided by the applicant which concludes that the existing building is both permanent and substantial and the limited external changes are not considered to result in extensive alteration, rebuilding or extension. The proposal is acceptable from a pure land use perspective and complies with the exception ii under Policy PG6.

The current proposal will be delivering a new primary school in a sustainable location with access to a bus service and complies with Policies SD1, SD2 of the CELPS.

The benefits of the proposal would be the provision of Special Education Need (SEN) facility.

The proposal complies with para ii as it would provide better open space in terms of quantity and quality and it is in a suitable location, in accordance with Policy SE6, SC1 of the CELPS & REC1 of the SADPD.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies HOU12, HOU13 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and HOU13 of the SADPD.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site and complies with SE5 of the CELPS and ENV6 of the SADPD

The proposal could be accommodated without significant landscape impact and complies with Policies SE4 of the CELPS & ENV5 of the SADPD and ENV05, and without significant highways impacts and complies with Policies CO1 of the CELPS & INF3 of the SADPD.

Excluding the bat survey, the proposal can be accommodated without causing significant ecological impacts, complying with Policies SE 3 of the CELPS and ENV1 & ENV2 of the SADPD

The development is acceptable in design terms and would accord with CELPS policy SE1, GEN1 of the SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposal can be accommodated with causing significant drainage/flood risk concerns and complies with CELPS Policy SE13 & SADPD Policy ENV16. Nor will it cause harm to the Jodrell Bank World Heritage Site, its Buffer Zone or its setting and complies with Policy SE14 CELPS and SADPD HER9.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

Summary recommendation

APPROVE WITH CONDITIONS

PROPOSAL

Change of use of the site and buildings from the existing offices (Class E) to a Special Educational Needs (SEN) School (Class F1) alongside supporting works namely; new perimeter fencing and gates, two new MUGAs, creation of new external doorways, the replacement of windows and the erection of solar panels.

Access would be taken as existing from Congleton Road.

SITE DESCRIPTION

The application site relates to a plot of land off Congleton Road formally serving as an office. It contains a large central building, car parking area and grounds.

The site itself is fairly flat and has a significant number of trees throughout but mainly concentrated to the site boundaries.

To the north is a sand quarry and lake, residential property to the east, quarry to the south and hotel to the west.

Sited in the Open Countryside as per the Local Plan and within the Jodrell Bank Consultation Zone. The existing building is also a Locally Listed Building. The existing site has playing fields and a bowling green.

Public Footpath 3 (Arclid) is also sited to the southern boundary.

RELEVANT HISTORY

Applications relating to the former use but none relevant to the current application

POLICY

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG6 Open Countryside

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE5 Trees, Hedgerows and Woodlands

SE6 Green Infrastructure

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

SE14 – Jodrell Bank

EG1 Economic Prosperity

IN1 Infrastructure

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sport Facilities

SC3 Health and Wellbeing

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

SE 7 The Historic Environment

Appendix C Parking Standards

Policies for Site Allocations and Development Policies Document (SADPD)

ENV 1 Ecological Network

ENV 2 Ecological Implementation

ENV 3 Landscape Character

ENV 6 Trees, hedgerows and woodland implementation

ENV 7 Climate change
ENV 15 New development and existing uses
ENV16 Surface Water Management and Flood Risk
HOU12 Amenity
INF3 Highways Safety and Access
INF 9 Utilities
REC1 Open Space Protection
REC 2 Indoor sport and recreation implementation
REC 3 Open space implementation
HER 1 Heritage assets
HER 7 Non-designated heritage assets
HER 9 Jodrell Bank World Heritage Site
RUR 11 Extensions and alterations to buildings outside of settlement boundaries

Other Material planning policy considerations include

National Planning Policy Framework ('The Framework');
National Planning Policy Guidance
Supplementary Planning Documents (SPD)

CONSULTATIONS:

CEC Environmental Protection: No objections subject to conditions/informative regarding working hours for construction, electric vehicle charging & contaminated land

CEC Highways: No objection

CEC Local Lead Flood Authority (LLFA): No objection subject to conditions requiring 1) drainage strategy, 2) SUDS, 3) oil and petrol separators, 4) surcharging, 5) drainage CCTV

CEC Public Right of Way – No objection subject to advisory notes to the applicant as an informative

United Utilities: No objection

Sport England: No comments received at the time of writing the report

Cheshire Archaeology: No objection

Arclid Parish Council: No comments received at the time of writing the report

REPRESENTATIONS:

7 representations have been received which raised the following comments:

- Highway safety/increased traffic
- Should not impact on existing quarry
- What will happen to existing gates to Woodside

- Recommend creating rear access to the development via Sandbach Footpath 12 and Arclid Footpath 3 as indicated on the map
- Consider speed limit along the A534
- Needs for new bus stop outside the site
- Welcome and support the proposal to re-use this existing building
- Support need for this facility
- Impact to exiting quarry

APPRAISAL

Principle of Development

The site is located within the open countryside within which Policy PG6 supports development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. There are some exceptions, the most relevant here being:

- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

In this instance a structural assessment has been provided by the applicant which advises that the original Hall has a conventional structural system with loadbearing outer and internal cross walls that support timber floor members. The roof has a timber truss and purlin construction with substantial chimneys that provide bracing. All aspects of the structure appear to be adequate for their purpose and they have been well maintained.

The converted barns / garages are also of a masonry construction with a timber roof generally formed with timber purlins supported off cross walls, although there are timber roof trusses in a small number of places. This part of the building has also been well maintained.

The 1990's extension has a steel frame structure with concrete floors at both levels. The roof structure is of steel members connected to the frame below. The whole structure will have been designed to the Building Regulations as they pertained at the time and so will be wholly adequate.

During visits to the property no instances were noted where structural interventions have been made in the past in order to strengthen any of the original structures, nor has anything been identified that suggests any subsidence or other types of collapse or movement.

The report therefore concludes that both buildings are in very good structural condition throughout with no identified structural defects that require further attention or specialist input at this stage. The works, as submitted as part of planning application are largely to the internal refurbishment of the property and very limited external works. Therefore, Brookside Hall is capable of its successful conversion and refurbishment to a new school.

The Council has no reason to dispute these findings. The case officer has also visited the site and concurs that the building appears both permanent and substantial. The external changes are limited to the replacement of existing windows, doors and addition of solar panels to the modern part of the building / roof and fencing, which are not considered to result in extensive alteration, rebuilding or extension.

As such the proposal is acceptable from a pure land use perspective and complies with the exception ii under Policy PG6.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc that outweigh the in-principle support for the proposal.

Open Space

CELPS Policy SE6 seeks the strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development to:

i. Protect and enhance existing open spaces and sport and recreation facilities

This Policy relates to sites shown on the Policies map but also incidental open space and amenity areas too small to be shown (as per bullet point 66).

Policy SC1 of the CELPS seeks to:

1. Protect existing indoor and outdoor sports facilities, unless:

Either:

i. They are proven to be surplus to need (up to date needs assessment); or

ii. Improved alternative provision (in terms of quality and quantity) will be created in a location well related to the functional requirements of the relocated use and its existing and future users.

And in all cases:

iii. The proposal would not result in the loss of an area important for its amenity or contribution to the character of the area in general; and

2. Support new indoor and outdoor sports facilities where

i. They are readily accessible by public transport, walking and cycling; and

ii. The proposed facilities are of a type and scale appropriate to the size of the settlement;

Policy REC1 of the SADPD advises that development proposals that involve the loss of open space (including other incidental open spaces, which are too small to be shown on the adopted policies map), will not be permitted unless:

i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or

ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or

iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

The site contains a bowling green and playing fields. Whilst not identified on the policies map are still protected by the above policies as noted in bullet point 66 of Policy SE6 and para 2 of Policy REC1.

The proposal seeks to retain the majority of the existing playing field as its currently exists but include a small parcel as forming the 26 X 17 MUGA and secondary play area.

The plans also show the bowling green to be enclosed by fencing and to house the 15 X 10 MUGA and the primary soft play area.

Whilst the playing area and bowling green would be reduced in size, they would be replaced by all weather play areas aimed specifically towards the end user for SEN. This would therefore comply with the exception noted in points ii of Policies SC6 of the CELPS & REC1 of the SADPD as equivalent or better open space would be provided in terms of quantity and quality, and it is in a suitable location.

As such the proposal complies with Policy SE6, SC1 of the CELPS and REC1 of the SADPD.

Heritage

CELPS policy SE 7 states that all new development should seek to avoid harm to heritage assets. It states that where development would cause harm to, or loss of, a designated heritage asset and its significance, including its setting, clear and convincing justification will be required as to why that harm is considered acceptable. Where that case cannot be demonstrated, it states that proposals will not be supported.

SADPD Policy HER1 states all proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset's significance. This must demonstrate a thorough understanding of the significance of the heritage asset and its setting, including (but not limited to) its historic form, fabric, character, archaeology and any other aspects that contribute to its significance.

SADPD Policy HER7 states when considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm.

The building is a locally listed former school. It was originally built in the late 1800's as a residence. More recently it has been offices and has a large modern extension to the southern side of the original property. It retains much of its character externally and in parts internally.

The proposal seeks a change of use from office to SEN school with predominantly internal changes to room layout which are considered to have limited impact. Externally changes are limited to the replacement of existing windows, doors on the south-western elevation of the link extension. The proposal also seeks addition of solar panels to the modern part of the building / roof on the same elevation. The proposal also seeks mesh fencing around the proposed MUGA (3m), bin store (2.4m) and around the playing field (2.4m high). This would be a mixture of timber and mesh style fencing so would not be visually prominent and condition can be used to ensure the mesh is green in colour to mirror existing greenery. As such the changes relate to the non-original element of the building.

The Council's Heritage Officer has also been consulted who raises no objections noting that the proposed landscaping which are the most intrusive elements, are being kept away from the older parts of the building.

Items such as doors, skirtings, ceilings and floors should be retained where they are original to the older parts of the property and outbuildings, and any new elements should seek to be in keeping with the traditional character. The same applies to all windows and internal and external doors. This can be secured by condition.

The proposed development therefore accords with CELPS Policy SE 7, Policy HER1 and HER7 of the SADPD.

Impact to existing Quarry

Policy ENV15 states that new development must effectively integrate with existing uses, and existing businesses and community facilities must not have unreasonable restrictions placed on them as a result of it. Where the operation of an existing business or facility could have a significant adverse effect on a proposed new development in its vicinity, the applicant shall submit appropriate information to demonstrate that such impacts will not arise or can be prevented through suitable mitigation measures. Where such impacts will arise and cannot be avoided through mitigation, planning permission will be refused.

The application site is sited in close proximity to an existing quarry, Bathgate Silica Sand, therefore consideration needs to be given regarding the impact of the proposal on the existing quarry.

Contact has been made with a representative of Bathgate Silica Sand who confirm that there is no active minning and working of industrial sand in the area immediately adjacent to Brookside Hall. The area has been previously worked and is being progressively restored to a water body, agricultural land and high nature conservation value habitats. Working and progressive restoration will continue in a broadly south westerly direction over the next 15 years.

This is also evident in the recent photographs of the site which show the new grassland and planted trees – in addition, there is dense hedging and woodland that is positioned on the boundary between the school and former quarry works.

Notwithstanding this, the relevant planning permission for the quarry (Ref. 09/2291W) included a number of planning conditions and legal obligations which the Quarry must adhere to. In support of those conditions a number of mitigation plans have been produced to protect existing residential amenity in the immediate area. This includes as follows:

- Noise Monitoring Scheme for South Arclid Submitted in accordance with Condition No.22 (ref. 14/0224D)

“Condition No.23 on Planning Permission No.09/2291W specifies noise limits at seven dwellings when measured at a position 1 metre forward of the façade of the dwellings. These dwellings are:

- Brookside Cottages
- Arclid Hall Farm
- Arclid Green House Farm
- Oak Farm
- Arclid Cottage Farm
- Gravel Bank Farm
- Dwellings along Newcastle Road
- Dust Management Scheme for South Arclid

As such, it is not considered that the proposed school would have any negative impact on the existing quarry and therefore complies with Policy ENV15.

Loss of existing employment use

Policy EG3 of the CELPS seeks to protect and retain existing employment facilities unless it has been deemed unviable for its employment use. The supporting text to this advises that this policy applies to all sites currently in use for employment purposes (B1, B2 and B8 uses in the Use Classes Order) as well as sites allocated for such uses.

The existing office accommodation was occupied by minerals company Sibelco for 30+ years, however following the pandemic they, like many large organisations, re-structured staff and introduced remote working on site. This led to the office being largely un-used in recent years going from approx. circa 80 staff (pre-pandemic) to approx. circa 15-20 staff on site. This was their main reason for selling the building as it was now surplus to requirement.

The offices have not been marketed to retain their office use, however, the proposed scheme will retain an element of office / admin / training space to allow the operational team to provide important administrative and training facilities on site.

In addition to this the site offers further employment opportunities noting in particular the provision of 70 FTE job opportunities created on site.

Therefore whilst the existing office use will be lost, the site will still provide employment, which seems to be the aim of the Policy EG3.

Highways

Proposal

The school would provide both primary and secondary education for approximately 118 pupils aged between 5 and 19 years old. School times would be between 8.30am and 3,30pm Mon to Friday. Two new MUGA's are proposed to the west of the site, these play spaces would be available throughout the year.

Access

The existing access to the site from the A534 will be used without changes, there is a existing one-way system on the site and this would be retained for drop off by parents. Given that the buildings are set well back from the A534 Congleton Road and adequate space is available within the site it is not considered that any on-street parking would occur on the A534.

Parking

The existing 133 car parking spaces will be retained which would include 8 accessible spaces and 10 EV spaces and also spaces for three minibuses. A covered cycle store for 18 No. cycles is provided. The level of car parking is acceptable as up to 70 No. FTE staff (Full Time Equivalent) will be working at the site.

Traffic Impact

The current use of site as offices does generate existing traffic movements to and from the site and the change of use to education will not result in all trips being new to the road network. There will be a net increase in traffic generation resulting from the change of use, the applicant has predicted that in the AM peak there would be an additional 74 trips up from 27 existing trips and a reduction in PM peak by 39 trips down from 50 trips. The PM peak trips are reduced because school times finish at 3.30pm and traffic generation takes place earlier in the afternoon.

The level of traffic generation arising from the change of use is not at a predicted level that would cause capacity problems on the local road network and is not a reason to refuse the application.

Summary

The proposed change of use does not increase floorspace on the site and uses an existing access which is a suitable design to serve the intended use. As the school is for children with SEN it is likely that almost all trips to and from the site will be

made by vehicle and the impact of the traffic generation has been assessed on the local road network.

Brookside Hall is set in grounds well away from Congleton Road and therefore can operate without requiring on-street parking that would affect the free flow of traffic on the A534.

The Councils Highways Engineer also raises no objection. The proposal can be accommodated without severe highway impacts and therefore complies with Policies CO1 of the CELPS and INF3 of the SADPD.

Design

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide gives more specific design guidance. GEN 1 of the SADPD also reflects this advice.

The proposal seeks a change of use from office to SEN school with predominantly internal changes to room layout which would have no external impact. Externally changes are limited to the replacement of existing windows, doors on the south-western elevation of the link extension. As these simply replace existing openings they would have very limited visual impact. The proposal also seeks addition of solar panels to the modern part of the building / roof on the same elevation. These would be sited in the roof space and are considered a feature of the modern world to improve green credentials and are not considered to be visually harmful in this context.

The proposal also seeks mesh fencing around the proposed MUGA (3m), bin store (2.4m) and around the playing field (2.4m high). This would be a mixture of timber and mesh style fencing so would not be visually prominent and condition can be used to ensure the mesh is green in colour to mirror existing greenery

Therefore, it is considered that the proposal could be accommodated without causing significant harm to the character/appearance of the area and complies with Policy SE1 of the CELPS and GEN1 of the SADPD.

Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The properties most affected by the proposal are properties to the north Woodside & north east Brookside Cottage

As the proposal seeks a conversion the impact of the building already exists so would not result in any harm through overbearing/overshadowing or loss of privacy. The proposed changes to the elevation and play areas are located away from existing properties and screened by the existing building.

Noise from use

It is accepted that there would be some noise/disturbance associated with a school use, from coming and going of vehicles and people and from pupils using the outdoor areas.

However, there would also currently be some disturbance from the existing office use. Whilst the school use may have more coming and goings, the hours would be shorter than that associated with the office use. To this extent impact is considered neutral.

Therefore, it is considered that the proposals could be accommodated without causing significant harm to living conditions of neighbouring properties and complies with Policy HOU13 & HOU12 of the SADPD.

Trees

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The site benefits from extensive, established tree cover which makes an important contribution to the landscape character of the area although no statutory protection presently applies to any trees within or adjacent to the site boundary.

The application has been supported by an Arboricultural Impact Assessment (AIA). Most of the tree cover on the site has been demonstrated to be largely unaffected by the proposed change of use of the site, with just 1 group of low-quality trees proposed for removal to which there are no objections.

Several other mature high canopy trees stand to be impacted by the incursion of new surfacing within the RPAs however the separation distances are accepted as reasonable and the extent of new surfacing proposed accords with best practice recommendations subject to it being engineer designed (no dig) and of a permeable nature.

Provision has been made to indicate the location of tree protection throughout the installation of the MUGA, although it's unclear what the access route into the area would be through existing tree cover. Phasing of works, tree protection and ground protection position will require further consideration in the event of approval.

The AIA also refers to a suitable methodology to address the installation of secure perimeter fencing. There are subsequently no objections raised by the Council Forestry Officer to the proposed removals as indicated in the AIA but in the event of approval a pre-commencement condition for the provision of an Arboricultural Method Statement (AMS) will be required

Subject to the conditions suggested, it is considered that the proposal can be accommodated without causing significant harm to existing landscape features and complies with Policy SE5 of the CELPS and ENV 6 SADPD

Landscape

The location does not have any formal landscape designation.

The impact on the landscape would be limited to just to creation of the play area and MUGA. Given the enclosure of the site the change would not be visible from the wider setting.

The Councils Landscape Officer has also been consulted who has no objection but offer the following comments

- A landscaping scheme which incorporates requirements for biodiversity net gain, arboriculture and SuDS, and includes mitigation for the loss of soft landscape to hard surfacing and artificial features, is required. Mitigation should include additional tree-planting and native hedging. Appropriate locations for native hedging include along the south-east sections of new security-type boundary-fencing. Appropriate tree-planting should include additional native trees outside the new security fencing. To provide more seasonal interest and shade some long-lived, high canopy parkland trees should be included within the security fencing, and features such as climbing plants on walls and fencing, and facilities for students to grow plants should be incorporated in the scheme.
- Details of proposed frontage design are required, including any signage, gates, surfacing, planting and should be incorporated with the landscaping scheme.
- Confirmation of all external lighting is required, including its design, spillage controls and use-timings
- All new fencing should ensure any Public Rights of Way are not adversely affected, including ensuring allowance is made for adequate width, particularly where vegetation management will be required (statutory widths should be checked with CEC's PROW team) and the alignment of proposed new security fencing should be more in-keeping with characteristic field fencing
- A 30-year Landscape and Ecology Management Plan (LEMP) should be submitted to ensure on-going protection and enhancement of landscape features

The above can be secured by conditions requiring submission and implementation of a landscaping scheme and 30 year maintenance plan.

Therefore, the proposal could be accommodated without significant landscape impact and complies with Policies SE4 of the CELPS & ENV5 of the SADPD and ENV05.

Flood Risk

The site is located in flood zone 1. This means it has a low probability of flooding from rivers and the sea. As the site area is over 1 hectare a Flood Risk Assessment is required and has been provided.

This concludes the site is not influenced by tidal flood risk, the site is located in flood zone 1 with low risk designation, location with very low risk from surface water flow, no sewers are in close proximity with existing drainage discharge to impermeable areas to soakaway, new drainage to be provided to modern standards and no risk of ground water flooding.

The Council's Flood Risk Team have been consulted and have raised no objection subject to conditions requiring 1) drainage strategy, 2) SUDS, 3) oil and petrol separators, 4) surcharging, 5) drainage CCTV.

United Utilities have also been consulted who also raised no objection.

As such subject to conditions the proposal can be accommodated with causing significant drainage/flood risk concerns and complies with CELPS Policy SE13 & SADPD Policy ENV16.

Ecology

Bats

Evidence of a significant bat roost was recorded within the old section of the Hall (B1 in the submitted ecology Report) and the newer part of the Hall (B2) was found to have potential to support a roost. The garage Building (B3) was found to have low bat roost potential.

Further bat surveys will be required of all of the buildings affected by the proposed development. The submitted ecological assessment has been written on the basis of no works being required within the Old Hall or Garage Building. The Councils Ecologist has requested confirmation from the applicant that no works, including re-wiring or re-roofing are required within the lofts of these two buildings.

In any event further bat surveys will be required of B2 prior to the determination of the application to establish whether roosting bats are present within this building and whether they are likely to be affected by the proposed development.

This has been provided and is currently being reviewed by the Councils Ecologist so comments will be provided in an update report.

Lighting

If planning consent is granted the Councils Ecologist recommends a condition to ensure that the lighting scheme for the development is designed so as not to affect foraging bats.

Badgers

No evidence of badger activity was recorded during the submitted survey. The submitted report however concludes that badgers are likely to be present in the local area. The Councils Ecologist recommends therefore that based upon the current known status of badgers on site the species is not likely to be affected by the proposed development. However, as the status of badgers on a site can change in a short timescale it is recommended that if planning consent is granted a condition be attached which requires an updated badger survey to be submitted prior to the commencement of development.

It is also recommended that badger gates be incorporated into the proposed security fencing to ensure free movement of the species.

Priority woodland

Areas of priority woodland occur on site, which support native bluebells. This habitat and species are a material consideration for planning. The proposed development however appears unlikely to affect these features.

If planning consent is granted, the Councils Ecologist recommends that a condition be attached which requires the submission of a CEMP for the safeguarding of retained habitats during the construction process.

Reptiles and Common Toad

The Councils Ecologist recommends advise that these priority species are not reasonable likely to be affected by the proposed development.

Hedgerows

Native hedgerows are present on site mostly restricted to the site boundary. Native Hedgerows are a priority habitat and hence a material consideration. The proposed fencing however is not likely to result in the loss any of existing hedgerows.

Ecological Network

The application site falls within a corridor & stepping stone and restoration area the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applies to the determination of this application

Whether the proposed development leads to an overall gain for biodiversity can be assessed through the BNG metric discussed below.

Nesting Birds

If planning consent is granted the Councils Ecologist recommends a condition be imposed to safeguard nesting birds.

Mandatory Biodiversity Net Gain

This application is subject to Mandatory Biodiversity Net Gain (BNG) and so the BNG condition would apply to this application. The application is supported by a Biodiversity Net Gain report and BNG metric.

The biodiversity metric as submitted shows that the proposed development delivers a net gain for area-based habitats of 11.34% and 18.98% in respect of hedgerows.

This net gain results from the planting of 75 trees on site and the enhancement of an area of grassland habitat. This is supported; however, the Councils Ecologist recommends submission of a plan showing the location of these features on site. This has been provided and is being considered by the Councils Ecologist so comments will be provided in an update report.

The ecologist also suggests a condition requiring a habitat creation method statement and a 30 year habitat management plan for the retained and newly created habitats on site.

As such subject to final comments from the Councils Ecologist regarding the bat survey the proposal could be accommodated without causing significant ecological harm subject to conditions and complies with CELPS Policy SE3 and ENV 1 & ENV 2 of the SADPD.

Jodrell Bank

Policy SE14 advises that within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the Proposals Map, development will not be permitted if it:

- i. Impairs the efficiency of the telescopes; or
- ii. Has an adverse impact on the historic environment and visual landscape setting of the Jodrell Bank Radio Telescope.

Policy HER9 advises development proposals within the Jodrell Bank World Heritage Site, its buffer zone or its setting will be supported where they preserve those elements of significance that contribute to Jodrell Bank's Outstanding Universal Value, including its authenticity and integrity.

Development proposals within the Jodrell Bank World Heritage Site, its Buffer Zone or its setting that would lead to substantial harm to its significance should be wholly exceptional and will only be permitted in the circumstances set out in national planning policy. Proposals leading to less substantial harm should be weighed against the public benefits of the proposal. In all cases, the assessment of harm should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site as a whole.

The current proposal seeks a change of use of existing office to SEN school in the inner zone therefore impact on efficiency of the telescope is considered to be neutral.

Jodrell Bank have also been consulted and have not provided any comments at the time of writing the report.

As such it the proposal can be accommodated without harming the Jodrell Bank World Heritage Site, its Buffer Zone or its setting and complies with Policy SE14 CELPS and SADPD HER9.

Other

The majority of representations responses have been addressed above in the report. The following remaining issues are addressed below:

- What will happen to existing gates to Woodside and is lighting proposed – *plans do not indicate any changes to gates to neighbouring boundaries and no lighting is shown, new lighting could be addressed by condition*
- Recommend creating rear access to the development via Sandbach Footpath 12 and Arclid Footpath 3 as indicated on the map – *the Council is obliged to consider the application as put before them, no such access to the PROW is proposed and has not been requested by the Highways Engineer*

The applicant has also confirmed that they will not be able to accommodate rear pedestrian access for the safety and security of pupils on site – with strict safeguarding procedures which they need to follow. In addition, as a result of pupil's specific SEN needs, all arrive via taxi or mini-bus and would not arrive on foot or cycle in any case.

- Needs for new bus stop outside the site and change to speed limit on A534 – *this has not been deemed necessary by the Councils Highways Engineer*

Conclusion

The site is located within the open countryside within which Policy PG6 supports development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. There are some exceptions, the most relevant here being:

- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

In this instance a structural assessment has been provided by the applicant which concludes that the existing building is both permanent and substantial and the

limited external changes are not considered to result in extensive alteration, rebuilding or extension.

As such the proposal is acceptable from a pure land use perspective and complies with the exception ii under Policy PG6.

The current proposal will be delivering a new primary school in a sustainable location with access to a bus service and complies with Policies SD1, SD2 of the CELPS.

The benefits of the proposal would be the provision of Special Education Need (SEN) facility.

The proposal complies with para ii as it would provide better open space in terms of quantity and quality and it is in a suitable location, in accordance with Policy SE6, SC1 of the CELPS & REC1 of the SADPD.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies HOU12, HOU13 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and HOU13 of the SADPD.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site and complies with SE5 of the CELPS and ENV6 of the SADPD

The proposal could be accommodated without significant landscape impact and complies with Policies SE4 of the CELPS & ENV5 of the SADPD and ENV05, and without significant highways impacts and complies with Policies CO1 of the CELPS & INF3 of the SADPD.

Excluding the bat survey, the proposal can be accommodated without causing significant ecological impacts, complying with Policies SE 3 of the CELPS and ENV1 & ENV2 of the SADPD.

The development is acceptable in design terms and would accord with CELPS policy SE1, GEN1 of the SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposal can be accommodated with causing significant drainage/flood risk concerns and complies with CELPS Policy SE13 & SADPD Policy ENV16. Nor will it cause harm to the Jodrell Bank World Heritage Site, its Buffer Zone or its setting and complies with Policy SE14 CELPS and SADPD HER9.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. 3 year time limit**
- 2. Development in accordance with the approved plans**
- 3. Details of proposed materials**
- 4. Lighting (amenity)**
- 5. Contaminated land unexpected contamination**
- 6. Details of a drainage strategy**
- 7. SUDS**
- 8. Scheme to install oil and petrol separators within the drainage scheme**
- 9. CCTV survey of the existing drainage**
- 10. Lighting (bats)**
- 11. CEMP for the safeguarding of retained habitats during the construction process**
- 12. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds**
- 13. Habitat creation method statement and a 30 year habitat management plan for the retained and newly created habitats**
- 14. Updated badger survey prior to commencement of development**
- 15. Scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS)**
- 16. Landscaping scheme to be provided**
- 17. Landscaping scheme to be implemented**
- 18. 30 year landscape maintenance plan**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

